1950

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File No. Agrl. Produce Market-II/50(R)

Legal Deptt
B **BRANCH**

Subject:— Rules under the Bombay Agricultural Produce Markets Act 1939.

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File No. Agrl. Pro. Markets-II/50(R)

Com. 194

466-B

Legal Department

Revised draft rules are sent herewith.

2. The proposal to amend rule 8 in the manner now suggested is ultra vires. Section 6 of the Bombay Agricultural Produce Markets Act, 1939 provides for the constitution of a market committee. Clause (i) of sub-section (1) of section 6 provides that notless than one-third shall be person elected by such organisations of agriculturists in the area for which it is established, as the State Government may prescribe and where no such organisations exist, by the agriculturists residing in the area in the manner prescribed. It is clear from the aforesaid provisions that so long as organisations of agriculturists exist in the area for which a market committee has been established, whether operating wholly or partly within the area, no agriculturists residing in the area shall be entitled to send any representative even from that part of the market area in which an organisation of agriculturists does not extend its field of activities. The amendments to rule 8 have therefore been deleted.

3. Existing rule 28 of the Bombay Agricultural Produce Markets Rules, 1941 provides for the calling of a first meeting of a market committee by a Collector or a person authorised by him for electing a Chairman. Similarly Rule 30(2) of the said rules empowers the Collector to call a meeting for electing a new Chairman when there is a casual vacancy in such office. The proposed amendments of the said rules do no more than add the words "Vice-Chairman" after the word "Chairman" wherever it occurs. That means a Collector or a person authorised by the Collector shall preside over a meeting for electing a first Chairman ~~xhxxx~~ and vice-chairman or for filling the casual vacancy in the office of a chairman or vice-

-chairman. Now that by the Amending Act No. LVII of 1948 an office of a Vice-Chairman has been created on a Market Committee, it is but right that a chairman elected at the first meeting should preside over the meeting for electing a first vice-chairman and that a vice-chairman should preside over a meeting for filling the casual vacancy in the office of a chairman, if he himself is not one of the candidates. Under the present amendments such right to preside over a meeting called for any of the above purposes is given to a Collector or a person authorised by him. Revenue Department should consider this question further.

Id/- (J.R.D.)
11/4

Additional Secretary to Government.

U.R. to R.D.No. 5518, dated the 19th April 1950.

R.D.P.
21/6/50

S.C.

Legal Department.

Draft Rules 28, 30 and 33 sent herewith incorporate all the necessary changes. Sub-rule (5) of draft rule 30 provides for the filling up of casual vacancy caused by the death, resignation etc. of the vice-chairman, while sub-rule (4) thereof applies the procedure laid down in Rule 28 to the filling up of casual vacancies.

Id/- (J.R.D.)
26/9

Additional Secretary to Government.

U.R. to D.D., No. 13707, dated the 28th September 1950.

R.D.P.
21/6/56

S.C.